

Open Letter to the Community

Friday, July 8, 2016



The Fredericksburg Police Department takes all inquiries from citizens seriously and aims to respond quickly and thoroughly. On the evening of July 7, the department received multiple inquiries from citizens related to recent officer-involved shootings in other states. Below is the list of citizen inquiries.

Note: The Fredericksburg Police Department is accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA) and some references to a standard that must be met are included in the responses below in red-colored font. Additionally, in some instances a portion of an applicable police directive governing employee actions is included in green-colored font.

- What sort of anti-bias training does the Fredericksburg police department provide its officers?

Officers of the Fredericksburg Police Department are required to attend Unbiased Policing training on an annual basis. This course is conducted in conjunction with Ethics training by the Office of Professional Standards and the Chief of Police. This training was completed in May 2016. In addition, our agency hosted a team of instructors in 2015 to conduct Fair and Impartial Policing training.

In February of 2016, Virginia's Department of Criminal Justice Standards sponsored a class to train Fair and Impartial Policing instructors. Two of our police supervisors attended and became certified instructors. They are currently working together to compose a lesson plan for upcoming refresher training for all personnel and for new police recruits. The police recruits will receive this training during their post-academy orientation before beginning field training.

CALEA STANDARD 1.2.9 (M M M M) (LE1) Bias Based Profiling

- The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:
 - a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;
 - training agency enforcement personnel in bias based profiling issues including legal aspects;
 - corrective measures if bias based profiling occurs; and
 - a documented annual administrative review of agency practices including citizen concerns.

Commentary

- Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.
- Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.
- Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

Police Directive

- **104.02 – Training** – Unbiased policing training will be conducted annually for sworn personnel. Training may be provided in a classroom setting, or accomplished through roll call training, computer based training, bulletins, or combination of methods. The Training Section will maintain records of documented training. [1.2.9, b] M) (LE1)
 - Are the officers trained to understand their own biases and reduce them in conflict situations? If so, how?
- Yes, this is included in the training discussed above. [Click here for more information on Fair and Impartial Policing.](#)
- What kind of training do officers receive to de-escalate conflict and use non-lethal force when possible?

Officers of the Fredericksburg Police Department are required to attend de-escalation training by attending [Verbal Judo](#), [Verbal De-Escalation](#) or [Surviving Verbal Conflict](#). Each of these courses is designed to provide officers with techniques and communication skills to prevent potential conflicts from escalating out of control.

Our agency hosted an instructor from Verbal Judo in 2015 as a refresher training for all sworn personnel. New police recruits are required to receive this training following graduation from the Academy. Departments trained in Verbal Judo have seen reductions of up to 80% in complaints from the public.

Police Directive

RESPONSE TO RESISTANCE; LETHAL AND LESS-LETHAL WEAPONS

302.00 – Use of Force – In any encounter where the use of force becomes necessary, only reasonable force will be used. Under no circumstances will force used be greater than necessary to achieve lawful objectives and to conduct lawful public safety activities. [1.3.1]

In determining the appropriate level of force, officers should apply the levels of force under the department's trained use of force options along with the following three factors from the *Graham v. Connor* test:

1. How serious is the offense at the time the force is used?
2. What is the physical threat to the officer or others?
3. Is the subject actively resisting or attempting to evade arrest by flight?

Officers must consider whether the force option they choose is proportional to the need for the force and officers must take into account a subject's mental illness when dealing with a subject known to be mentally ill.

Officers should use de-escalation techniques when appropriate and safe to do so.

- Does the department utilize dashboard cameras in the vehicles or body cameras on officers?

Fredericksburg police officers have been wearing body cameras for over two years. Currently, our patrol vehicles do not have dashboard cameras but we are exploring the possibility of adding in-car cameras between now and June 2017. We are waiting to test a newly developed camera that is compatible with our body worn cameras.

- Is there anything I can do to help you build support for anti-bias education/non-lethal interventions?

Thank you for your sincere enthusiasm to help build up our community and make it stronger. We share that same enthusiasm and believe that having two-way communication like this moves us forward in fostering a better relationship between the police department and the citizens it serves. If you ever have ideas or suggestions to better the relationship between citizens and police, we encourage you to share them with us.

- What sort of documentation does the department maintain regarding conflicts between officers and civilians?

The Office of Professional Standards maintains copies of all complaints filed by a citizen as well as Uses of Force by officers. The Professional Standards Operational Guide outlines the

procedures for tracking and maintaining records of complaints. It also contains the section involving Use of Force reports and the CALEA Standard as listed below.

Police Directive

OFFICE OF PROFESSIONAL STANDARDS

The OPS has the responsibility for tracking and maintaining a record of all complaints against employees, whether initiated by the public or by a member of the department. [52.1.2]

OPS may assume primary responsibility for a supervisor's complaint investigation at any stage in the investigative process at the direction of the Chief of Police. OPS may also initiate an investigation of alleged employee misconduct, with or without a formal complaint, with prior knowledge and approval of the Chief of Police or his/her designee.

OPS shall have the following additional responsibilities:

- Maintain a complaint log
- Maintain a central file for complaints in a secured area and in conformity with records retention requirements of state law [52.1.2]
- Conduct a regular audit of complaints to ascertain the need for changes in training or policy
- Maintain statistical and related information to identify trends involving all complaints of excessive force and abuse of authority
- Track complaints against individual employees to assist in employee risk analysis
- Provide the Chief of Police with an annual summary of complaints against employees and final dispositions that are available to the public or Department employees. [52.1.5]

302.11 – Use of Force Reports – Officers will make immediate verbal notification to their supervisors whenever force is used in the performance of an official police duty, or when exercising their law enforcement authority. Such notification is required whether the officer is on or off duty. In situations where an officer takes action that involves the use of force in another jurisdiction, the officer will immediately notify the appropriate law enforcement agency in that jurisdiction and contact an on-duty supervisor in this department as soon as practical. However, notification need not be made to agencies from adjoining jurisdictions when the officer is on duty and:

- The use of force did not involve a firearm;
- Did not result in serious bodily injury; and
- The incident occurred within one mile of the City line (An example of this is that there is no need to notify Spotsylvania County Sheriff's Office of a use of OC spray by an on-duty officer in the Spotsylvania Mall parking lot).
- Officers will submit an incident report and a Use of Force report to their supervisor. The report is forwarded, through the chain of command, to the Chief

of Police. NOTE: A Use of Force Report IS NOT to be completed by the officer if a CRIMINAL investigation of the officer's actions is conducted (ref. Investigation of Police Involved Deadly Force Incidents Directive). Instead, the officer's supervisor will be responsible for completing the Use of Force report.

A Use of Force report will be completed for the following actions:

- Any discharge of a weapon for other than training purposes; [1.3.6, a]
- Actions that result in or are alleged to have resulted in the injury or death of another person; [1.3.6, b]
- The use of a lethal or less lethal weapon; [1.3.6, c]
- The use of weaponless physical force that involves striking techniques. NOTE: Control or restraint techniques that do not involve striking techniques or result in alleged or actual injury do not meet criteria for use of force reporting. [1.3.6, d]

302.12 – Administrative Review of Use of Force Reports – Descriptive information contained in the report will be screened to ensure that the force used was in compliance with this directive. The supervisor's findings will be forwarded along with the use of force report via the chain of command to the Chief of Police. Additionally, supervisors will ensure that any injuries to either the officer or citizen are documented by photographs etc., and are properly documented and reported. [1.3.7]

302.13 – Annual Analysis of Use of Force Reports – At the conclusion of each calendar year, Professional Standards personnel or a Commander designated by the Chief of Police shall prepare a report on the use of force by department personnel and recommend any necessary training, equipment, or policy modification. [1.3.13]

CALEA Standard 1.3.6(M M M M) (LE1) Reporting Uses of Force

- I would like to know, in the face of yet another senseless killing in our country, what is the state of things in our fair city?

Our agency is involved in many activities geared toward building community/police trust and legitimacy. One such activity is called Non-Enforcement Contacts, or NECs. An NEC is exactly how it sounds; police officers are encouraged to engage people in the community in a non-enforcement conversation. These conversations could be about issues or concerns in their neighborhood, the weather, crime statistics, how residents feel about their police department, community events, traffic, etc. This is all done to encourage strong and helpful community/police relationships. The Fredericksburg Police Department understands that we cannot effectively solve problems in our community without assistance from the community.

In recent years, the Fredericksburg Police Department has stepped up its community outreach efforts to build positive relationships with the citizens it serves. In addition to protecting the men, women, and children who live or visit the City, Fredericksburg Police Officers spend

their time engaging with our City's youth, one of our most vulnerable and influential populations. We believe that by fostering a positive relationship with children at a young age they will grow up to trust police and view them as peace keepers. We try to build positive relationships through activities such as:

- Programs with students at Hugh Mercer Elementary and Lafayette Upper Elementary: Almost once a week, one of our officers goes to Hugh Mercer Elementary and reads to a class and talks with them about “stranger danger”, how to call 911, etc. We also have officers of all ranks who participate in the Breakfast Buddies program, a mentoring program for students at Hugh Mercer and Lafayette Upper Elementary Schools. Our department also thinks of unique ways to engage with children on holidays, such as creating paper lanterns for the Chinese New Year and setting up a “Leprechaun Crime Scene” in a patrol vehicle and asking students to help investigate for St. Patrick's Day.
- Programs developed by City departments that are designed to build positive relationships with our City's most vulnerable youth, including Camp Crime Fighters, Badges for Baseball, and Midnight Madness.
- I don't want to ignorantly, naively think it couldn't happen here -- how do we continue to prevent them?

The men and women of the police department will continue to receive training on subjects related to de-escalation. However, if members of the community do not like the way they are being treated by a police officer, the best course of action is to ***Comply and Complain***. Our officers wear body cameras and the actions of both the officer and the citizen can be reviewed. Resistance by citizens receiving summonses or being arrested unnecessarily escalates the situation and creates danger.

- What can we do to create a better dialogue between the police and our communities?

The men and women of the Fredericksburg Police Department understand that we cannot effectively solve problems in our community without assistance from the community. Communication is paramount to building strong relationships. The FPD is involved in many programs geared toward encouraging communication and positive relationships. One of these programs is called the Single Point of Contact, or SPOC. Police supervisors are assigned as a SPOC for twenty-three different neighborhood associations throughout the City of Fredericksburg. This allows open communication of police service/response within a neighborhood as well as the sharing of concerns from the neighborhood to the appointed police liaison. This liaison supervisor then shares those concerns with the appropriate police department staff so those concerns can be addressed appropriately.

Some other community programs geared toward encouraging communication and positive relationships include: the FPD Community Outreach Team; the FPD Citizen's Advisory Panel; Non-Enforcement Contacts; School Resource Officer program; police participation in Midnight Madness; police participation in Badges for Baseball; FPD citizen ride-along program; PD participation during National Night Out; PD participation in the Downtown Halloween programs; Community Police Officers and a Community Policing mindset throughout the patrol division; PD sponsored Workplace Safety & Active Shooter training; the PD sponsored Gun Give-Back program; the PD sponsored summer camp for City children; PD sponsored Safety & Security for Faith Communities initiative; PD partnership with the local Seniors and Law Enforcement Together program; PD sponsored Managing the Nightlife seminars; PD sponsored Minding the Store seminars; PD participation in the Skills USA program for youth; and PD participation at the local Kids Expo.

- How much time do recruits spend training at the range and practicing gun safety vs the de-escalation of violence?

New police recruits spend approximately 60 hours on firearms training during the Basic Academy. This training is defined by the performance outcomes set forth by the Virginia Department of Criminal Justice Standards, DCJS. Following completion of the Basic Academy, officers are required to qualify with their department-issued weapon twice a year. These lesson plans are composed by certified Firearms Instructors. While the overall outcome is to display proficiency through marksmanship, other important topics are included: response to resistance (lethal/non-lethal), investigation of police deadly force incidents, weapons retention, directive review, and qualifications, including "shoot-don't-shoot" scenarios.

In addition to the "shoot-don't-shoot" scenarios, the regional academy recently purchased a "Use of Force Judgment Simulator" in order to provide a realistic use of force training environment. Our agency has a certified instructor to run the simulator. Last month, the Fredericksburg Police Department brought the simulator to our headquarters in order to have our officers run through scenarios. The simulator provides a "realistic response" to an officer's action during each scenario based on verbal commands or tools.

New police recruits spend a great deal of time during the 20-week Basic Academy on professionalism, use of force, verbal and written communications, interviewing and interrogation techniques, defensive tactics, and patrol techniques in order to potentially de-escalate a violent encounter.

- What effective, measurable consequences are there for cops who commit murders, or, at the very least, commit tragic mistakes founded in fear and racism?

The President's Task Force on 21st Century Policing recommended that external and independent criminal investigations are completed for police uses of force resulting in death. The task force also recommended external and independent prosecutors review these

investigations. These recommendations were followed after a police officer involved shooting that occurred in the City in March of this year.

Additionally, see the first page of our Police Directive below that governs use of Deadly Force.

INVESTIGATION OF POLICE DEADLY FORCE INCIDENTS

651.00 – Deadly Force and In-Custody Death Incidents – The department recognizes both the Constitutional and administrative rights of its employees. This directive balances those rights with the needs of the department and society at large. All police investigations will be managed in a professional and lawful manner. Employees involved in an incident will be treated with concern and compassion, while still meeting the needs of the appropriate incident investigation.

It is the policy of the Fredericksburg Police Department to conduct an **administrative and criminal investigation** for every police-involved use of deadly force (excluding easing the suffering of an animal), any in-custody death, and any accidental death or serious injury to a person resulting from police involvement.

Additionally, any firearm discharge by a Fredericksburg Police Department member, except for training, qualification, to ease the suffering of a wounded animal (ref. 345.02), or ballistic examination shall require an **administrative investigation**.

The purpose of the criminal investigation is to determine if any laws were violated and identify the person(s) responsible for the violation; this holds true whether that person is a department employee or another party. In cases where police officers use deadly force, the officers are often the victim of or witness to a criminal offense. This agency will seek the assistance of an outside law enforcement agency and the Commonwealth's Attorney Office for determining whether or not probable cause exists that a department employee violated any laws in a deadly force incident.

- How can we change the hiring process to encourage women and other minorities to apply? To encourage people who will be sworn to protect the citizens of their town, state, and country to LOVE the people they are protecting? To respect them?

We are always looking for ways to improve our hiring process. We currently use Facebook paid advertising during each hiring process. Facebook ads are set to target individuals associated with the following minority-based university students who are 20 years of age or older, including Northern Virginia Community College, Hampton University, Virginia State University, Norfolk State University, Virginia Union University, and University of Northern Virginia.

We have a diverse police department as reflected below:

AVAILABLE WORK FORCE DATA* (Age Range 20-44 using PDC16 Community Profile)		ACTUAL SWORN WORK FORCE DATA**	
Caucasian	72%	Caucasian	81%
African-American	17%	African-American	9%
Hispanic	7%	Hispanic	7%
Other	5%	Other	3%
Female	50%	Female	25%

*Percentages may not total 100% due to rounding (courtesy of Census Bureau statistics).

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***Based on meeting the national average which is approximately 11.9%.

(Data retrieved from the US Department of Justice 2014 Crime in the US Publication)

Based on these figures, recruitment needs to achieve the Department's goal, are:

CURRENT SWORN WORK FORCE ACTUAL (69)		SWORN WORK FORCE GOAL (Based on 71 Officers)	
Caucasian	56	Caucasian	51
African-American	6	African-American	12
Hispanic	5	Hispanic	5
Other	2	Other	3
<i>Female</i>	<i>17</i>	Female	8***

The Fredericksburg Police Department takes great pride in serving and protecting the City of Fredericksburg. Our officers go above and beyond just enforcing laws by supporting a variety of local philanthropic organizations and community events, such as:

- The Fairy Godmother Project – During November 2015, the Fredericksburg Police Department raised \$2,550 for the Fairy Godmother Project, a local charity that supports families facing pediatric cancer. The Police Department raised money several ways: 20 Patrol Officers participated in No-Shave November, a national effort to increase cancer awareness and raise funds to support cancer research and prevention. Each Patrol Officer that

participated was permitted to grow a mustache and goatee during November in exchange for a \$50 donation to the Fairy Godmother Project. Three Fredericksburg Police Department employees put their locks on the line to see who could raise the most money for the charity. Lieutenant Mike Presutto, School Resource Officer Paul Dooley, and Communications Officer Donna Sehl encouraged the public to donate on their behalf throughout November. In the end, Communications Officer Donna Sehl won and raised \$680, Lieutenant Mike Presutto raised \$490, and School Resource Officer Paul Dooley raised \$405.

- Special Olympics Virginia – Every year, the Fredericksburg Police Department participates in several activities designed to raise awareness, support, and funds for Special Olympics Virginia, such as participating in the Annual Law Enforcement Torch Run, the State Basketball Tournament, and various fundraisers.
- Downtown fall activities – Every October, the Fredericksburg Police Department partners with Fredericksburg Main Street to put on a movie night in Hurkamp Park for City families. Fredericksburg Police Officers also participate in Treats on the Streets in downtown Fredericksburg where over 90 businesses handed out candy to trick-or-treaters.
- Spreading Holiday Spirit –In December 2015, the department partnered again with Fredericksburg Main Street for their first annual old fashion community sing along called "Merry Carols in Market Square." Patrol Officers and Communications Officers joined in the festive event and sang their favorite Christmas carols while passing out candy canes. Also in December, several Police Department employees participate in the local Shop with A Cop event at Target in Central Park. This annual event provides a fun-filled day for a number of children in need in the area while creating positive relationships with law enforcement.
- Our officers also spend time engaging the senior citizen community. From cooking meals for senior citizen during snow storms whose families cannot physically get to them to delivering cards and chocolates to senior citizen shut-ins on Valentine's Day to delivering donuts to the senior citizen homes on National Donut Day, our officers go the extra mile to help take care of one of our most vulnerable populations.

These are just a few of the many community outreach efforts our team of top-notch officers has been involved in recently. We believe these activities build a stronger relationship between the City of Fredericksburg and its law enforcement agency. To get a larger picture of our department's community outreach efforts, we encourage you to review our [2015 Annual Report](#), which provides an overview of the department's activities last year. We also encourage you to follow us on [Facebook](#) and [Twitter](#) to stay up-to-date on what we're doing in the community real time.